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SERVICE DATE - FEBRUARY 7, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 602X)

CSX TRANSPORTATION, INC.--ABANDONMENT  
EXEMPTION--IN LIMESTONE COUNTY, AL

Decided: February 4, 2002

CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 0.56-mile line of railroad between milepost 000-290.2 and milepost 000-290.76 in Athens, Limestone County, AL. Notice of the exemption was served and published in the Federal Register on December 21, 2001 (66 FR 66013-14).

By decision served January 18, 2002, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that, prior to salvage operations, CSXT consult with the U.S. Fish and Wildlife Service (FWS) in Daphne, AL, Mr. Bill Young (334) 441-5181, ext. 38, to determine potential impacts to the slackwater darter, particularly with regard to the removal of the rail line bridge over Swan Creek, and if FWS determines that formal consultation is necessary, pursuant to section 7 of the Endangered Species Act, CSXT shall notify the Board and be prohibited from conducting any salvage operations or disposing of the entire right-of-way until completion of the section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

By letter dated January 28, 2002, FWS advised SEA that there will be no adverse effects caused by the project on the slackwater darter, and that no endangered species consultation by CSXT will be necessary. Therefore, SEA recommends that the endangered species condition imposed in the January 18, 2002 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed endangered species condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the endangered species condition imposed in the decision served January 18, 2002, is removed.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary